



Docket No.: 070470-0014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

HARRISON, MICHAEL J., et al.

Application No.: 10/002,442

Filed: November 15, 2001

For: CONDOM WITH MALE GENITAL DESENSITIZER LUBRICANT

: Customer Number: 20277
:
: Confirmation Number: 3551
:
: Group Art Unit: 3764
:
: Examiner: Brown, Michael A.
:

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

In more detail, "SSL" has submitted a letter dated September 23, 2005 in regard to applicants' response, which SSL asserts presents a "material misrepresentation" to the Office. Such a characterization is inaccurate and misleading. As set forth in SSL's letter of September 23, 2005, SSL's October 20, 2004 letter stated: "Each of these products incorporates a high viscosity desensitizing cream **only on the inside** of the condom and a low viscosity lubricant also applied to the inside of the condom during manufacture." (bold emphasis supplied) However, SSL does

10/26/2005 MBEYENE1 00000036 500417 10002442

01 FC:1806

180.00 DA
WDC99 1138494-1.070470.0014

not address additional statements present in the letter of October 20, 2004, where SSL further stated that: "Every single one of these condoms was **lubricated with a low viscosity oil** and further included **a high viscosity desensitizing cream only on the inside** thereof, the cream comprising benzocaine in a PEG base. (bold emphasis supplied) These statements were followed by SSL's letter of June 29, 2005 -which is referenced on page 8 of the response- where SSL stated: " ...the condoms were lubricated with silicone oil having viscosity of about 200 cps, with the silicone oil being present on the **outside** of the condoms, and they all contained a thick male genitala desensitizing cream comprising 5% Benzocaine and 95% PEP on the **inside** of the condoms." Copies of each of SSL's letters have been filed in prior IDSs, which will enable the examiner to determine the application of the low viscosity oil to the condom.

This second supplemental IDS is being filed with a supplemental response to the office action that addresses SSL's letter of September 23, 2005.

Accordingly, to address and clarify this matter, it is requested that the sentence bridging pages 7 and 8 of the response filed on September 7, 2005 be revised to read "What SSL first alleged in October 20, 2004 was that SSL products since 1982 have a high viscosity sensitizing cream applied to only the inside of the condom, and low viscosity oil applied to the inside of the condom during manufacture. However, by letter of June 29, 2005 SSL stated that a silicone oil having a viscosity of 200 cps was on the outside of the condoms."

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

10/002,442

Each English language reference was cited in a corresponding foreign application search report or office action and its relevance discussed therein. A copy of the foreign search report or office action is attached for the Examiner's information.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Kenneth L. Cage
Registration No. 26,151

**Please recognize our Customer No. 20277
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KLC:jam
Facsimile: 202.756.8087
Date: October 24, 2005

<div>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</div> <div>(PTO-1449)</div>		ATTY. DOCKET NO. 070470-0014		SERIAL NO. 10/002,442			
		APPLICANT HARRISON, MICHAEL J., et al.					
		FILING DATE November 15, 2001		GROUP 3764			
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code ₂ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Code ₃ -Number 4 -Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation Yes No	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
		Facsimile letter to Stephen Shear from Darby & Darby, dated October 20, 2004					
		Facsimile letter to Stephen Shear from Darby & Darby, dated June 29, 2005					
		Facsimile letter to Stephen Shear from Darby & Darby, dated September 23, 2005					
		Facsimile letter to Stephen Shear from Darby & Darby, dated September 27, 2005					
		Letter to Peter Schechter from Church & Dwight, dated September 27, 2005					
		Facsimile letter to Stephen Shear from Darby & Darby, dated September 30, 2005					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.